

REMARKS

The following remarks are responsive to the Official Action mailed August 8, 2006.

Applicant acknowledges with appreciation that the Examiner has deemed that claims 14-19 contain patentable subject matter and would be allowable if rewritten to include all the limitations of the base claims and any intervening claims. In response to this, Applicant has added claims 24-29 to the present application. These claims mimic the recitations as included within claims 14-19. As stated by the Examiner, Applicant asserts that these claims are in condition for allowance.

Claim Rejection - 35 U.S.C. §102(b) - Baublitz et al.

Claims 1-2, 4-5, 7, 9-13, and 20-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,622,258 to Baublitz et al. Of these rejected claims, claims 1, 10 and 20 are independent claims. In response to this rejection, Applicant has amended independent claims 1, 10 and 20 thereby rendering the rejection of the claims in view of Baublitz moot. Independent claims 1, 10 and 20 now include the additional recitation that the product includes a trigger or actuation member. The claims also include the recitation that the trigger and/or actuation member is disposed on the single handle of the product and is easily grippable by a person since the trigger is remote from the package. Claims 1, 10 and 20 includes various references which disclose the subject matter.

Baublitz is directed to a packaging system for a dual-handled stapler. The stapler includes a first handle and a second handle. Actuation of a staple is carried out by moving one of the handles proximate to the other handle. Thus, as

included within the present application, *Baublitz* does not disclose a trigger mechanism disposed on a single handle. Therefore, Applicant asserts that independent claims 1, 10 and 20 as well as their dependent claims are patentably distinct over *Baublitz* and should be deemed allowed.

Claim Rejection - 35 U.S.C. § 103(a) - Seaton-Weatherford

Claims 8-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Seaton* or *Weatherford* in view of an Official Notice. The Official Notice refers to the fact that the Examiner feels it would have been obvious to store a glue gun in the packet of *Baublitz* to allow the interactive display. Applicant asserts that claim 8 and 22 depend from claim 1 and 20 respectfully and therefore are patentably distinct from *Seaton* and *Weatherford* based on the recitations included within their independent claims from which they depend.

Claim 6 is rejected under 35 U.S.C. 103 as being unpatentable over *Baublitz*. Once again, claim 6 depends on claim 1 and as such, Applicant asserts that claim 6 should be deemed patentable based on the reasons given with regard to claim 1.

Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by *Seaton*. In response to this rejection, Applicant has cancelled claim 23 of the present application.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/633,838

Docket No.: MASCO 3.0-049

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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